

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SILIPOS, INC.,

a Delaware corporation,
7049 Williams Road
Niagara Falls, NY 14304, and

Plaintiff,

v.

PEDIFIX, INC.

a New York corporation,
310 Guinea Road
Brewster, NY 10509-2651,

Defendant, and

GERALD P. ZOOK, D.P.M., R. Ph.,

an individual,
802 W. 18th Place
Eugene OR 97402,

*Involuntary Defendant-
Patentee.*

CASE NO. 07-cv-6727-RJS

ECF CASE

JURY TRIAL DEMANDED

**PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE
OF ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

In accordance with Rule 41(a)(1), F.R.Civ.P., Plaintiff Silipos, Inc. ("Plaintiff"), by and through counsel, hereby voluntarily dismisses its Original Complaint for Patent infringement against Defendant PediFix, Inc. and Involuntary Defendant-Patentee Gerald P. Zook, D.P.M., R. Ph.

Plaintiff filed the Original Complaint on July 26, 2007. Neither Defendant PediFix, Inc. nor Involuntary Defendant-Patentee Gerald P. Zook, D.P.M., R. Ph., has

yet been served with the Original Complaint. Further, while there have been discussions about the Complaint with counsel for Defendant PediFix, Inc., to the best of Plaintiff's information and belief, a notice of appearance has not been made in this case by any counsel, including counsel for either PediFix, Inc. or Gerald P. Zook, D.P.M., R. Ph.

Dated: November 13, 2007

Respectfully submitted,

DARBY & DARBY, P.C.

By: s/ Steven E. Lipman
Steven E. Lipman (SL-9395)
Angela Ni, Esq. (AN-1022)
7 World Trade Center
250 Greenwich Street
New York, NY 10007
Tel: 212.527.7700
Fax: 212.527.7701
Email: slipman@darbylaw.com
ani@darbylaw.com

**COUNSEL FOR PLAINTIFF
SILIPOS, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

was (i) submitted to the Court's CM / ECF system on November 13, 2007 for service by the Court's Electronic Transmission Facilities, and that a courtesy copy was submitted by hand to the Chambers of the Honorable Richard J. Sullivan, United States District Judge, Room 615 (212.805.0264), Daniel Patrick Moynihan United States Courthouse, Southern District of New York, 500 Pearl Street, New York, N.Y. 10007.

s/ Steven E. Lipman
By: Steven E. Lipman (SL-9395)